

U.S. DISTRICT COURT

2016 JAN 20 A.M. 31

DISTRICT OF UTAH

BY: Debbie Benson

ALAIN C. BALMANNO (3985)
Assistant Utah Attorney General
SEAN D. REYES (7969)
Utah Attorney General
160 East 300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0100
Facsimile: (801) 366-0101
E-mail: abalmanno@utah.gov

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

PHUC NGUYEN,

Plaintiff,

vs.

STATE OF UTAH DEPARTMENT OF
WORKFORCE SERVICES and DEBBIE
WESTBROEK,

Defendants.

FINAL ORDER AND JUDGMENT

Case No. 1:14cv00105 DB

Judge Dee Benson

The Court heard oral arguments on January 20, 2016, on two motions, Defendant Department of Workforce Services (DWS)'s Motion to Dismiss the Second Amended Complaint, and Plaintiff's Motion to Consolidate. Plaintiff was represented by Mr. Zane S. Froerer, and Defendant DWS by Mr. Alain C. Balmanno. Having reviewed the motions and written submissions of the parties and heard arguments by both parties, the Court GRANTS the Motion to Dismiss the Second Amended Complaint with Prejudice.

The Court found that Plaintiff has not pled a plausible case under Title VII, whether for race, ethnicity, or national origin claims. The Complaint, the Amended Complaint and the Second Amended Complaint are so conclusory and so lacking in facts as to be inadequate. Insufficient facts have been pled to support the Disparate Treatment claim, to support the Retaliation claim, to establish the 90 days limitation period, the 300 days limitation period, or the punitive damages claim. The Court found that no facts were articulated during oral arguments to overcome these deficiencies. The Court declined to exercise supplemental jurisdiction over the State law tort claims.

The Court held that the Motion to Consolidate was moot.

This represents the Final Order and Judgment in this matter.

DATED this 28th day of January, 2016.

BY THE COURT:


JUDGE DEE BENSON

Approved as to form and content:

/S/ Zane S. Froerer

ZANE S. FROERER

Electronic signature inserted with permission.